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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,515	07/03/2003	Scott M. Whitney	2003-7013	4787
7590		09/14/2007		
Scott M. Whitney 9 1/2 F Street San Rafael, CA 94901			EXAMINER FU, HAO	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 09/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,515

Applicant(s)

WHITNEY, SCOTT M.

Examiner

Hao Fu

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/03/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAIL ACTION

Claim Rejection – USC 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-11 and 15 are rejected under U.S.C. 102(e) as being anticipated by Jones (Pub. No.: US 2002/0120551, hereinafter "Jones").

As per claim 1, Jones teaches a computer-implemented method for generating a right transfer instruction regarding a transferable right in a priced item (see paragraph 0021), comprising the steps of:

presenting graphically a chart of a price of the priced item versus time (see Fig 4 and paragraph 0034); and

setting a trigger control overlaid on said chart that is responsive to said price to initiate the right transfer instruction when said price reaches a predetermined relationship to a particular price for the priced item (see paragraph 0034 and 0043, and setting a limit trade is well known in the art).

As per claim 2, Jones teaches a computer-implemented method for trading securitized properties, comprising the steps of:

forming an orders collection of a plurality of orders for a securitized property (see paragraph 0034), each order having one or more order properties, wherein said orders collection includes one or more collection properties inherited by each order of said orders collection, said properties applied by a computer system (see paragraph 0060, 0061, and 0062, order prices are order properties); and

executing one or more orders of said orders collection (see paragraph 0034 and 0039, prior art states that multiple trades can be carried out), wherein an execution of a subsequent order after execution of one or more previous orders of said orders collection are dependent upon said properties (see paragraph 0060, 0061 and 0062).

As per claim 3, Jones teaches a computer-implemented method for generating a

Art Unit: 3609

right transfer instruction regarding a transferable right in a priced item presented by said computer (see paragraph 0034), said computer having a computer program application that displays a graphical representation of price history of the priced item (see paragraph 0010 and 0034), the computer including computer code including I/O access commands (see paragraph 0022), the method comprising:

- presenting graphically a chart of a price of the priced item versus time (see Fig 4 and paragraph 0034); and

- setting a trigger control, using the I/O access commands, overlaid on said chart that is responsive to said price to initiate the right transfer instruction when said price reaches a predetermined relationship to a particular price for the priced item (see paragraph 0034, 0043 and 0022).

As per claim 4, Jones teaches an apparatus, comprising:

- a communications system for receiving and processing a series of price-indicators for one or more priced items (see paragraph 0034 and 0049, it is implied that the invention in prior art has the ability to receive market information);

- a presentation system for displaying the series of price-indicators in a graphic format (see Fig 4 and paragraph 0034); and

- a controller, coupled to the communications system, for overlaying one or more interface controls on the series of price-indicators, the controller responsive to user input instructions directed to the one or more overlaying controls for setting a parameter of the one or more controls and for initiating a right transfer process when one or more of price-indicators has a predetermined relationship to the parameter of the one or more controls (see paragraph 0034 and 0043).

As per claim 5, Jones teaches an article of manufacture, comprising a program Storage medium readable by a computer and embodying one or more instructions executable by the computer for generating a right transfer instruction regarding a transferable right in a priced item presented by the computer, the computer having a computer program application that displays a graphical representation of price history of the priced item, the program storage medium including computer code having I/O access commands, wherein (see paragraph 0034, 0043, and 0022):

- computer program code presents graphically a chart of a price of the priced item versus time (see Fig 4 and paragraph 0034); and

- sets a trigger control, using the I/O access commands, overlaid on said chart that is responsive to said price to initiate the right transfer instruction when said price reaches a predetermined relationship to a particular price for the priced item (see paragraph 0034, 0043 and 0022).

As per claim 6, Jones teaches a trade object building method, the trade object having one or more properties defining one or more desired right interests in one or more priced rights in a thing, comprising the steps of (see paragraph 0034 and 0043, the "desired location" of an order is the properties of the trade object):

Art Unit: 3609

presenting graphically on a chart a series of time-varying price-related information regarding the thing (see Fig 4 and paragraph 0034);

overlaying one or more interface control elements on said chart, said interface control elements responsive to one or more input/output control signals from a computing system coupled to the chart, wherein the interface control elements are associated with one or more specific properties of the one or more properties (see paragraph 0034 and 0043, the touch of screen is the input/output control signal); and

modifying said one or more specific properties by operating on said one or more interface control elements (see Fig 4 for example, a user can modify a buy order to a sell order by clicking the "sell" button, or clear out the order by clicking the "clear order" button).

As per claim 7, Jones teaches specific properties include properties from the set of properties consisting of entry quantity (see paragraph 0045, "number of share"), entry price, and exit price (see paragraph 0034, 0061, 0062, and Fig 4, "buy price" is entry price, "sell price" is exit price).

As per claim 8, Jones teaches specific properties include properties from the set of properties consisting of entry quantity (see paragraph 0045, "number of share"), entry price, exit price (see paragraph 0034, 0061, 0062, and Fig 4, "buy price" is entry price, "sell price" is exit price), and stop price (see paragraph 0060).

As per claim 9, Jones teaches specific properties include properties from the set of properties consisting of entry quantity (see paragraph 0045, "number of share"), entry price, a first exit quantity, a first exit price, a second exit quantity, and a second exit price (see paragraph 0034, 0061, 0062, and Fig 4, "buy price" is entry price, "sell price" is exit price; also, it is disclosed that the invention in prior art can place multiple order).

As per claim 10, Jones teaches specific properties include properties from the set of properties consisting of entry quantity (see paragraph 0045, "number of share"), entry price, a first exit quantity, a first exit price, a second exit quantity, a second exit price (see paragraph 0034, 0061, 0062, and Fig 4, "buy price" is entry price, "sell price" is exit price; also, it is disclosed that the invention in prior art can place multiple order), and a stop price (see paragraph 0060).

As per claim 11, Jones teaches the thing is a security traded through an exchange (see paragraph 0034 and 0035, "NASDAQ").

As per claim 15, Jones teaches the step of communicating said specific properties to a party authorized to aid in the transfer of the right interests in the thing (see paragraph 0048, last sentence).

Claim Rejection – USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12, 13, 14, and 19 are rejected under U.S.C. 103(a) as being unpatentable over Jones (Pub. No.: US 2002/0120551), in view of Hoffman et al. (Pub. No.: US 2002/0111891, hereinafter "Hoffman").

As per claim 12, Jones fails to teach the step of recording said specific properties operated on by said one or more interface control elements into a memory.

Hoffman teaches the step of recording said specific properties operated on by said one or more interface control elements into a memory (see paragraph 0011, "trading details" are specific properties, and "database" is memory).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to record the specific properties into a memory.

One of ordinary skill in the art would have been motivated to modify the reference in order to allow recorded order to be executable in the future.

As per claim 13, Jones fails to teach the step of reading said specific properties from said memory and associating said read specific properties with a trade object.

Hoffman teaches the step of recording said specific properties operated on by said one or more interface control elements into a memory (see claim 1(u), it is implied that the invention in prior art can read the saved specific properties with a trade object).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to read the specific properties from a memory.

One of ordinary skill in the art would have been motivated to modify the reference in order to allow recorded order to be executable in the future.

As per claim 14, Jones teaches the step of communicating said specific properties to a party authorized to aid in the transfer of the right interests in the thing (see paragraph 0048, last sentence).

As per claim 19, Jones teaches a method for executing a right transfer in a priced thing, comprising the steps of:

Art Unit: 3609

one or more specific properties associated with one or more properties of one or more trade objects for initiating an execution of the right transfer (see paragraph 0060, 0061, and 0062, order prices are order properties);

setting one or more of said interface control elements responsive to said one or more values, said interface control elements set associated with said one or more specific properties and with said interface control elements overlaid on a chart of time-varying price related data (see paragraph 0034 and 0043); and

initiating execution of the right transfer using the one or more trade objects when said time-varying price related data has a desired relationship to said properties (see paragraph 0034, 0043, and 0049).

Examiner notes however, Jones does not teach read one or more values for one or more specific properties from a memory.

Hoffman teaches the step of recording said specific properties operated on by said one or more interface control elements into a memory (see claim 1(u), it is implied that the invention in prior art can read the saved specific properties with a trade object).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to read the specific properties from a memory. One of ordinary skill in the art would have been motivated to modify the reference in order to allow recorded order to be executable in the future.

Claim 16 and 17 are rejected under U.S.C. 103(a) as being unpatentable over Jones (Pub. No.: US 2002/0120551), in view of official notice.

As per claim 16, Jones teaches the interface control elements are selected from the group consisting of an entry order point, an exit order point, and a stop order point (see paragraph 0060, 0062, and 0063). Examiner notes however, Jones does not teach using lines as interface control elements.

Official notice is given that it is well known in the art, a line is a series of infinity quantity of points arranged in a straight fashion. Also, Jones discloses that user can place multiple orders/points. Therefore, it is possible to place order using entry order line, exit order line, and stop order line with the invention of Jones.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to use order lines instead of order points.

One of ordinary skill in the art would have been motivated to modify the reference in order to allow user to set prices for a continuous period of time.

As per claim 17, Jones teaches the order lines have associated quantity labels that are responsive to said input/output control signals to effect changes in a quantity associated with one of said order lines (see Fig 4 and paragraph 0045, "number of share" is order quantity; it is implied that the quantity labels are responsive to effect

Art Unit: 3609

changes in quantity associated with the order).

Claim 18 is rejected under U.S.C. 103(a) as being unpatentable over Jones (Pub. No.: US 2002/0120551), in view of official notice, and further in view of Alaia et al. (Pub. No.: US 2002/0077959, hereinafter "Alaia").

As per claim 18, Jones fails to teach changes in one of said associated quantity labels are reflected in one or more of the other quantity labels associated with others of the order lines.

Alaia teaches changes in one of said associated quantity labels are reflected in one or more of the other quantity labels associated with others of the order lines (see paragraph 0091).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to add the feature of altering other quantities if one quantity is changed.

One of ordinary skill in the art would have been motivated to modify the reference in order to save time.

Art Unit: 3609

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hao Fu whose telephone number is (571) 270-3441.

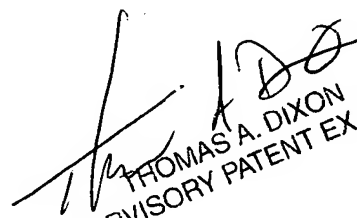
The examiner can normally be reached on Mon-Fri/Mon-Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hao Fu
Examiner
Art Unit 3609

Aug-07


THOMAS A. DIXON
SUPERVISORY PATENT EXAMINER